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OGC 70-1208

17 July 1970

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Associate Justice William O. Douglas  
Impeachment Proceedings

1. Paragraph 7 of this memorandum suggests action to be taken by the Director of Central Intelligence.

2. On 15 July 1970, Mr. Lawrence R. Houston and I met with Kenneth R. Harkins, Howard W. Fogt, Jr., and Thomas W. Hutton, staff of the Special Subcommittee of the Committee on the Judiciary considering the impeachment of Associate Justice William O. Douglas. Mr. Houston showed them the classified memorandum outlining his review of Agency files in the light of the charges brought against Justice Douglas and his conclusions as to what information was and was not contained therein. In essence, our files on the projects involving [ ] indicate only that [ ] approached Justice Douglas for financial support for CIDES and some financial support was given at the instance of Justice Douglas by the Parvin Foundation, of which he was a trustee. We then gave the staff members your letter saying that this was the result of our study and that we had no further information relevant to the charges against Justice Douglas.

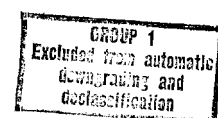
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3. Mr. Harkins stated that, so far as he was concerned, he would accept our conclusions as to what relevant information we had, but in view of the heavy pressures on this investigation, he could not accept the responsibility for telling the Subcommittee that your letter was an adequate response as it was backed up by a classified document which he and the other staff members reviewed. The other two staff members did not differ with this position.

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4. Mr. Harkins said they were starting Subcommittee hearings in executive session on Monday, 20 July 1970, and he proposed that he present your letter to the Subcommittee and be authorized to show the Subcommittee Mr. Houston's classified memorandum to back up your letter. He said the only commitment he could give was that the classified memorandum would not be made public as a result of this proceeding and that it would not be made part of the public record subsequently without giving CIA an opportunity to argue why it should not be released. We said this was not very satisfactory from our point of view and we would not want to make the classified document available without a commitment that the classification would be honored. Mr. Harkins said he did not know if Chairman Celler would, or could, make such a commitment for the Subcommittee.

5. While we believe our information has little or no relevance to the charges against Justice Douglas, we face a difficult problem if the issue is pressed. The Subcommittee is proceeding on a matter of basic constitutional law, compounded by considerable political heat. The Subcommittee staff has been reasonable so far in not requiring actual physical access to our files which, as investigators under these circumstances, they would normally expect to have. They claim, however, and with some justification, that the Subcommittee has the responsibility to determine what information is relevant and should be published. We, of course, claim that you have this responsibility under the law. Under these circumstances, we would hope to avoid a direct confrontation, with the possibility of a formal subpoena, particularly as the President has promised, in writing, full cooperation with the Subcommittee's request for information from the Executive Branch.

6. Several courses of action are available:

a. We can inform Mr. Harkins that your letter is the only response that will be made to Mr. Celler's request, even though Mr. Harkins has told us he does not believe it is fully responsive in that it does not state the specific relationship [ ] to the Agency, which was one of the items requested.

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b. We can make the General Counsel's classified memorandum available to the Subcommittee in the hope that we can persuade the Subcommittee that its contents should not be made part of the record.

c. We can approach Chairman Celler and hope that he will assume the responsibility for the protection of our information, which Mr. Harkins feels he cannot undertake.

d. We can seek Mr. Rivers' support in working out a compromise along these lines with Chairman Celler.

7. In view of a private conversation I had this morning with Representative Richard Poff, who is the second ranking minority member of the full Committee, I feel that a direct approach to Chairman Celler would accomplish nothing since Celler relies directly on Mr. Harkins for policy decisions of this sort. I recommend that we advise Harkins that your letter is our only response but that we are willing to show Mr. Houston's classified memorandum to the Chairman and to members of the Subcommittee if they will agree to honor its classification. Mr. Poff believes that since word of this will ultimately reach Representative Gerald Ford, who has insisted that all Committee documentation be spread on the record, you should personally talk with Mr. Ford to alert him to our position on this.



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Acting Legislative Counsel

Attachments

Celler Letter  
Summary of Information in Files  
Houston Memorandum  
DCI Letter

Distribution:


Orig. - DCI w/atts

1 - DDCI

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| <b>OFFICIAL ROUTING SLIP</b>      |                  |                          |                          |                          |                          |
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| OLC 7D43                          |                  |                          |                          |                          | 17 July 1970             |
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HOUSE OF REPRESENTATIVES, U.S.

COMMITTEE ON THE JUDICIARY

WASHINGTON, D.C. 20515

June 22, 1970

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Honorable Richard Helms  
Director of Central Intelligence  
Central Intelligence Agency  
Washington, D. C. 20505

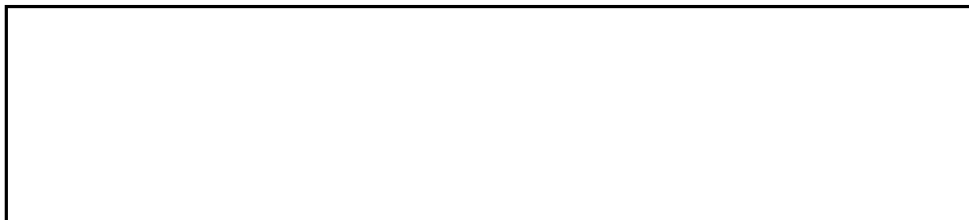
Dear Mr. Helms:

A Special Subcommittee of the Committee on the Judiciary has been appointed to consider H. Res. 920, a resolution impeaching William O. Douglas, Associate Justice of the Supreme Court of the United States, of high crimes and misdemeanors in office.

At this point the Subcommittee is gathering documentary and factual materials that bear upon any charges within the scope of H. Res. 920, and the various related resolutions that have been introduced in the House of Representatives. Copies of these resolutions are enclosed for your convenience.

In this effort, the Subcommittee seeks all relevant reports, documents, or other factual data that may be in the possession of the various departments and agencies of the Executive Branch. Accordingly, you are respectfully requested to furnish, for the use of the House of Representatives, from the files of the Central Intelligence Agency the following:

- (a) A copy of any report, written statement, affidavit, or other evidence in the files of the Central Intelligence Agency in relation to any charges within the scope of the various resolutions.



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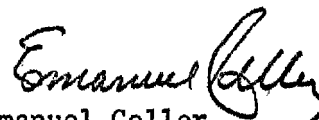


(d) Any document or record in the files of the CIA concerning the Interamerican Center for Economic and Social Studies (CIDES) during the period January 1960 to the present.

In the interest of expeditious procedure, materials furnished pursuant to this request should be delivered to the Subcommittee within 10 days.

Thank you for your cooperation with the Subcommittee in this investigation.

Sincerely yours,

  
Emanuel Celler  
Chairman

Enclosures

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## ROUTING AND RECORD SHEET

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SUBJECT: (Optional)

*Response to CCLER Committee Request*

FROM:

EXTENSION

NO.

DATE

29 June 1970

STATINTL

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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OLC Mr. Maury

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70-3383/H

OGC 70-1170

15 JUL 1970

The Honorable Emanuel Celler  
Chairman  
Committee on the Judiciary  
U. S. House of Representatives  
Washington, D. C. 20515

Dear Chairman Celler:

On receipt of your letter of June 22, 1970, requesting certain materials from this Agency in connection with proceedings of the Special Subcommittee considering H. Res. 920, I had an initial review of our files made and instructed representatives of this Agency to discuss the matter with members of the Subcommittee staff. As a result of their description of the full scope of the Subcommittee's interest, I directed our General Counsel to make an intensive search of our files to determine if there is any relevant material. He informs me that he has personally made such a search and that the only information in our possession which appears to be pertinent has to do with financial support given by the Albert Parvin Foundation to the Interamerican Center for Economic and Social Studies (CIDES) at the request of [redacted]

Associate Justice William O. Douglas, who was on the board of the Foundation. This information is presumably available in the Albert Parvin Foundation's files. There is also information that Mr. Daniel Perlmuter was associated with [redacted]

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There is no information in the files of the Central Intelligence Agency other than that noted above which has a bearing on H. Res. 920 or the points covered by Representative

Gerald R. Ford in his statement on the floor of the House of Representatives on April 15, 1970. This is to be expected, as it is our policy not to concern ourselves with United States citizens, either at home or abroad, unless they are specifically involved in some activity directly related to the foreign intelligence field.

Sincerely,

/s/ Richard Helms

Richard Helms  
Director

OGC:LRH:jeb  
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